

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Melanyn Rivas	Team: Squad #09	CCRB Case #: 202106152	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 10/12/2021 8:05 AM	Location of Incident: § 87(2)(b)	18 Mo. SOL 4/12/2023	Precinct: 120		
Date/Time CV Reported Tue, 10/12/2021 8:57 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Tue, 10/12/2021 8:57 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. DT3 Anthony Sciortino	05372	951225	NARC SI
3. DT2 James Malpeso	02939	932948	NBSI MAJOR
4. SGT Michael Dalbero	00000	948843	120 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Richard Dambrosio	09601	963476	NARC SI
2. DT3 Jan Folvasky	06071	945726	NARC SI

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	
B. An officer	Abuse: An officer threatened § 87(2)(b) with the use of force.	
C.DT3 Anthony Sciortino	Force: Detective Anthony Sciortino pointed his gun at § 87(2)(b)	
D.DT3 Anthony Sciortino	Abuse: Detective Anthony Sciortino entered § 87(2)(b) in Staten Island.	
E.DT2 James Malpeso	Abuse: Detective James Malpeso entered § 87(2)(b) in Staten Island.	
F.SGT Michael Dalbero	Abuse: Sergeant Michael Dalbero entered § 87(2)(b) in Staten Island.	
G.DT3 Anthony Sciortino	Abuse: Detective Anthony Sciortino searched § 87(2)(b) in Staten Island.	
H.DT2 James Malpeso	Abuse: Detective James Malpeso searched § 87(2)(b) in Staten Island.	

Officer(s)	Allegation	Investigator Recommendation
I.SGT Michael Dalbero	Abuse: Sergeant Michael Dalbero searched § 87(2)(b) in Staten Island.	
J.DT3 Anthony Sciortino	Force: Detective Anthony Sciortino pointed his gun at § 87(2)(b)	

Case Summary

On October 12, 2021, § 87(2)(b) filed the following complaint via the CCRB's website on behalf of herself and her sons § 87(2)(b) and § 87(2)(b).

On October 12, 2021, at approximately 7:45 a.m., § 87(2)(b) husband § 87(2)(b) and § 87(2)(b) sons, 18-year-old § 87(2)(b), 15-year-old § 87(2)(b), 13-year-old § 87(2)(b), 11-year-old § 87(2)(b) and four-year-old § 87(2)(b) were awakened by loud knocking on the door of their home at § 87(2)(b) in Staten Island. Ultimately, it was determined that officers of the NYPD were knocking on the door. Among the officers present were then-Sergeant Michael Dalbero, Detective James Malpeso, Detective Jan Folvasky, Detective Anthony Sciortino, and Police Officer Richard D'Ambrosio, all part of the Staten Island Narcotics Bureau. Supervising Parole Officer (SPO) § 87(2)(b) and Parole Officer § 87(2)(b) of the Staten Island Department of Corrections and Community Supervision (DOCCS/Parole) were also present on the scene.

Upon hearing the commotion, § 87(2)(b) opened the second-floor door of the house and encountered an officer who asked him about his father § 87(2)(b) whereabouts. § 87(2)(b) told the officer that his father was not at the location, and in response, the officer allegedly said that it was "bullshit" and threatened to "smash heads," (**Allegation A: Discourtesy**, § 87(2)(g) (**Allegation B: Abuse of Authority**, § 87(2)(g).

Shortly after, § 87(2)(b) opened the ground floor door and Det. Sciortino pointed his gun at him (**Allegation C: Force**, § 87(2)(g). Det. Sciortino, Det. Malpeso, and Sgt. Dalbero then entered and searched § 87(2)(b) (**Allegations D-F: Abuse of Authority**, § 87(2)(g) (**Allegations G-I: Abuse of Authority**, § 87(2)(g). After searching the ground floor, Det. Sciortino allegedly walked up internal stairs, and as he did so, he pointed his firearm at § 87(2)(b) (**Allegation J: Force**, § 87(2)(g). He then allegedly went to the second and third floor of the home looking for § 87(2)(b) § 87(2)(b) (**within Allegation G**). After failing to find § 87(2)(b) § 87(2)(b) inside § 87(2)(b) the NYPD officers exited the home and left.

None of the civilians present were arrested or served a summons during this incident. There is no video footage in relation to this incident.

Findings and Recommendations

Allegation (A) Discourtesy: An officer spoke discourteously to § 87(2)(b)

Allegation (B) Abuse of Authority: An officer threatened § 87(2)(b) with the use of force.

It is undisputed that on October 12, 2021, NYPD officers, and Staten Island parole officers arrived at § 87(2)(b) looking for § 87(2)(b) § 87(2)(b) who was on lifetime parole.

As described by § 87(2)(b) § 87(2)(b) in Staten Island, is a three-level, private one-family home (**Board Review 01**). At the front of the house, off center to the left, is a set of stairs that leads to the "second floor" of the home. Below the stairs, accessed from the right side of the staircase, is an entrance to the ground floor. The home belongs to § 87(2)(b).

During his CCRB interview, 18-year-old § 87(2)(b) § 87(2)(b) explained that after hearing commotion, he opened the second-floor door that leads outside (**Board Review 02**). An officer stated that they had a warrant for his father § 87(2)(b) § 87(2)(b) § 87(2)(b) told officers that his father was not there. In response, an officer said that it was "bullshit" and stated that if § 87(2)(b) § 87(2)(b) did not exit, officers would "smash heads." § 87(2)(b) § 87(2)(b) stated that the

officer that spoke discourteously and threatened to “smash heads” was a male, “chubby,” with grey hair, approximately 40 to 50 years old, approximately 5’7” to 5’8” tall and was wearing plain clothes.

In her CCRB interview, § 87(2)(b) explained that as she walked down to the second floor, officers were in the house (see below) and her sons told her that officers threatened to “bash” their heads in **(Board Review 01)**.

As part of his CCRB statement, § 87(2)(b) 16-year-old son, § 87(2)(b) § 87(2)(b) stated that he heard an officer say that if the doors were not opened, they would “break faces” **(Board Review 03)**. § 87(2)(b) § 87(2)(b) did not provide a description of the officer that made the statement.

During her CCRB interview, § 87(2)(b) stated that when she approached the home with the NYPD officers, she was positioned in a side alley **(Board Review 10)**. She was not able to see the front of the home and did not know where NYPD officers were positioned. She did not recall any NYPD officer threatening to “bash heads.” § 87(2)(b) had not seen how the NYPD officers that approached § 87(2)(b) were positioned, as she was standing in the alleyway of the house.

During her CCRB interview, Parole Officer § 87(2)(b) stated that she was positioned in the side alley with her supervisor, § 87(2)(b) **(Board Review 11)**. She was not able to see the front of the home from the alleyway and did not know where specific officers were positioned. While standing in the alleyway, Parole Officer § 87(2)(b) heard an officer saying the word “bash” or “will be bashed.” When asked if the word “bash” was used in relation to heads, Parole Officer § 87(2)(b) stated that she heard someone say something to the effect of “bash skulls.” Parole Officer § 87(2)(b) was not able to identify who made the statement.

During his CCRB interview, Sgt. Dalbero explained that he positioned himself on the ground-level door and did not recall which officers approached the second-floor door of § 87(2)(b) **(Board Review 12)**. Sgt. Dalbero did not recall an officer using the word “bullshit” or threatening to “bash heads,” and he did not say so himself.

Det. Malpeso approached the ground-level door of § 87(2)(b) while warrants officers approached the second-floor door of § 87(2)(b) **(Board Review 13)**. Det. Malpeso was unable to identify the Warrant Squad officers positioned at the second-floor door and testified that he did not recall an officer using the word “bullshit” or threatening to “bash heads.” He did not say so himself.

Det. Sciortino stated that he was at the ground-level door and did not recall which officers positioned themselves on the second-floor door **(Board Review 06)**. Det. Sciortino did not witness any NYPD officer speak discourteously or threaten to “bash heads.” He did not witness any NYPD officer having a conversation with any of the individuals inside prior to making an entry.

Det. Folvasky served as “outside security,” ensuring that no one interfered with police presence at the scene **(Board Review 14)**. Det. Folvasky remembered NYPD officers approached both doors of the location but was unsure who approached which door. Det. Folvasky did not recall any officer using the word “bullshit,” or threatening to bash heads, and stated that he did not say so himself.

PO D’Ambrosio remained outside of the home as “security” and stated that from his vantage point, he could not tell who entered the house or which officers approached the second-floor door **(Board Review 15)**. PO D’Ambrosio did not witness any officer using profanity or threatening to bash heads, and he did not do so himself.

The investigation obtained the Staten Island Warrant Squad Roll Call and Trip Log for the day of October 12, 2021 **(Board Reviews 37, 19)**. The trip log shows that no Staten Island Warrant squad officers went to § 87(2)(b) in Staten Island on the morning of October 12th. The Trip Log does show that Detectives Jason Ribeiro, Robert White, Carl Pattelli, and Roberto Pagan went to § 87(2)(b) on October 12th at 12:30 p.m. Of the warrants detectives that went to the location, none of them match the description provided by § 87(2)(b) § 87(2)(b) Det. Ribeiro is an Asian male, that stands 5’9” tall, and has brown hair **(Board Review 33)**. Det. White is a White male, that stands 5’6” tall, weighs 145 pounds, has an average build, has brown hair, and blue eyes

(Board Review 34). Det. Patelli is a White male, that stands 6'4" tall, weighs 310 pounds, has a heavy build, has "salt pepper" hair, and blue eyes (Board Review 35). Det. Pagan is a Hispanic male, that stands 5'8" tall, weighs 200 pounds, has a heavy build, has black hair, and brown eyes (Board Review 36).

Of the Staten Island Narcotics Officers present, Det. Folvarsky is a White male, that stands 5'8" tall, weighs 175 pounds, has an average build, has black hair, black eyes, and speaks with an accent (Board Review 29). PO D'Ambrosio is a White male, that stands 5'8" tall, weighs 200 pounds, has an average build, has brown hair, and brown eyes (Board Review 30). Det. Malpeso is Hispanic male, that stands 5'9" tall, weighs 220 pounds, has a heavy build, brown hair, and brown eyes (Board Review 31). Det. Sciortino is a White male that stands 5'10" tall, weighs 190 pounds, has an average build, has black hair, and hazel eyes (Board Review 31). Sgt. Dalbero is a White male, that stands 5'8" tall, weighs 200 pounds, has an average build, has brown hair, and brown eyes (Board Review 32).

In her CCRB interview, Parole Officer § 87(2)(b) testified that while on the scene she heard an officer threatening to "bash skulls" or something to that effect. Since Parole Officer § 87(2)(b) was able to corroborate § 87(2)(b) § 87(2)(b) allegation, the investigation credits that an officer threatened § 87(2)(b) § 87(2)(b) with force.

All officers interviewed denied speaking discourteously and threatening § 87(2)(b) § 87(2)(b) with force. None of the officers determined to be on scene match the description provided by § 87(2)(b) § 87(2)(b) definitively or more than any of the officers on scene.

Despite Det. Malpeso stating that there were Warrant Squad officers on scene, NYPD documents do not place them on scene at the time of incident. Furthermore, the officers who do go to the location later that day do not share the description provided by § 87(2)(b) § 87(2)(b)

§ 87(2)(g)

Allegation (C) Force: Detective Anthony Sciortino pointed his gun at § 87(2)(b)

Allegation (D) Abuse of Authority: Detective Anthony Sciortino entered § 87(2)(b) in Staten Island.

Allegation (E) Abuse of Authority: Detective James Malpeso entered § 87(2)(b) in Staten Island.

Allegation (F) Abuse of Authority: Lieutenant Michael Dalbero entered § 87(2)(b) in Staten Island.

Allegation (G) Abuse of Authority: Detective Anthony Sciortino searched § 87(2)(b) in Staten Island.

Allegation (H) Abuse of Authority: Detective James Malpeso searched § 87(2)(b) in Staten Island.

Allegation (I) Abuse of Authority: Lieutenant Michael Dalbero searched § 87(2)(b) in Staten Island.

Allegation (J) Force: Detective Anthony Sciortino pointed his gun at § 87(2)(b)

It is undisputed that § 87(2)(b) § 87(2)(b) DOCCS approved address was § 87(2)(b) in Staten Island (Board Reviews 9, 10, and 11)

It is also undisputed that Det. Sciortino, Det. Malpeso, and Sgt. Dalbero entered § 87(2)(b) as they attempted to locate § 87(2)(b) § 87(2)(b) At the time of entry Det. Sciortino had his gun pointed. Additionally, it is undisputed that there was not an active search warrant for § 87(2)(b) in Staten Island on October 12, 2021 (Board Review 08).

On October 12, 2021, there were two, “Perpetrator - probable cause to arrest,” I-Cards for § 87(2)(b) § 87(2)(b) (**Board Review 04**). I-Card # § 87(2)(b) was issued on July 12, 2021, for strangulation and I-Card § 87(2)(b) was issued on October 11, 2021, for assault in the second degree on a police officer. Neither one of the I-Cards note § 87(2)(b) as one of § 87(2)(b) § 87(2)(b) known addresses.

On December 30, 2023, the investigation obtained the New York State Board of Parole Preliminary Revocation Hearing and Summary, which established that there was no open parole warrant for § 87(2)(b) § 87(2)(b) on October 12, 2021 (**Board Review 05**).

On January 4, 2023, the investigation requested all Arrest Warrants, Bench Warrants and I-Cards active for of § 87(2)(b) § 87(2)(b) on October 12, 2021 (**Board Review 26**). The results related to that request, received on January 19, 2021, identified the previously mentioned I-Card #s § 87(2)(b) (**Board Review 27**) and § 87(2)(b) (**Board Review 28**).

As described by § 87(2)(b) § 87(2)(b) in Staten Island, is a three-level, private one-family home (**Board Review 01**). At the front of the house, off center to the left, is a set of stairs that leads to the “second floor” of the home. Below the stairs, accessed from the right side of the staircase, is an entrance to the ground floor. From inside the home, one can access the ground floor, second floor, and third floor via a shared stairway. There are also two entry points at the back of the home, also leading to the ground floor and second floor. The home belongs to § 87(2)(b)

In his CCRB interview, § 87(2)(b) § 87(2)(b) explained that he was on the second floor of § 87(2)(b) when he heard constant and loud banging on the ground floor door (**Board Review 02**). As he looked out a second-floor window, he saw police officers, with “shields” and “guns” in their hands and officers “banging” on the door. § 87(2)(b) § 87(2)(b) also heard an officer say that they had a warrant for § 87(2)(b) and asked for § 87(2)(b) to exit. § 87(2)(b) § 87(2)(b) knew that the officers were calling for his father, § 87(2)(b) § 87(2)(b) at which time he opened the second-floor front door, informed the officers that his father was not there, and closed the door. After closing the door, he noticed officers entering the home via the ground-floor door, as his brother, § 87(2)(b) § 87(2)(b) had opened the ground-floor door.

In his CCRB interview, sixteen-year-old, § 87(2)(b) § 87(2)(b) explained that he heard “banging” on three different doors of his home, the front ground floor door, the front upstairs door, and the back door (**Board Review 03**). § 87(2)(b) § 87(2)(b) walked to the ground floor of § 87(2)(b) and opened the door. There, he encountered Det. Malpeso, who was holding a shield, and Det. Sciortino who was pointing his gun at him. § 87(2)(b) § 87(2)(b) was taken out of the home and the officers entered.

During her CCRB interview, § 87(2)(b) stated that she was asleep in her room, located on the third floor of § 87(2)(b) when she was awakened by a commotion in the downstairs area of her home (**Board Review 01**). She immediately began walking downstairs via the internal walkway. After arriving at the second floor, she did not see any officers. She continued down to the ground floor, at which time she encountered Det. Sciortino alone in the stairway, pointing his gun at her. Det. Sciortino then continued up to the second and third floors of the house “to check” for § 87(2)(b) § 87(2)(b) § 87(2)(b) asked aloud whether the officers had a search warrant, and an unidentified officer told her that it was “in the process.” She became irate and began yelling for officers to leave. They ultimately gathered themselves and left the home.

Both § 87(2)(b) and Parole Officer § 87(2)(b) stated that the members of the NYPD’s Staten Island Narcotics informed them that a vehicle known to be § 87(2)(b) § 87(2)(b) was parked outside of § 87(2)(b) Parole Officer § 87(2)(b) stated that § 87(2)(b) was known to her as § 87(2)(b) address, and that she shared children with § 87(2)(b) § 87(2)(b) However, both officers stated that because § 87(2)(b) was not § 87(2)(b) § 87(2)(b) approved DOCCS parole address, they did not have requisite authority to conduct routine parole related searches of the home.

Both § 87(2)(b) and Parole Officer § 87(2)(b) added that after arriving at § 87(2)(b)

§ 87(2)(b) they positioned themselves in an alleyway on the side of the home (**Board Review 10, 11**). As § 87(2)(b) and Parole Officer § 87(2)(b) looked into the ground level of the house via a window, they saw the movement of an individual that appeared to be a light-skin male, likely Hispanic, with a top knot ponytail. § 87(2)(b) and Parole Officer § 87(2)(b) believed that it could have been § 87(2)(b). § 87(2)(b) shouted out the description of the individual she believed to have been § 87(2)(b) to the NYPD officers. Parole Officer § 87(2)(b) also shouted out that she had seen § 87(2)(b) who she believed may be § 87(2)(b). Shortly after, § 87(2)(b) and Parole Officer § 87(2)(b) saw the NYPD's Staten Island Narcotics team enter the home through the front door. None of the parole personnel on scene entered the location at any point.

Upon being presented the NY State of Parole Preliminary Revocation Hearing and Summary, § 87(2)(b) confirmed that there were no active parole warrants for § 87(2)(b) on October 12, 2021 (**Board Review 10**). The only parole absconder warrant issued for § 87(2)(b) warrant § 87(2)(b).

The investigation received chronological entries made by Parole Officer § 87(2)(b) on the date of October 12, 2021, in relation to § 87(2)(b) (**Board Review 09**). The entries note a "home visit w/other" at § 87(2)(b) and note parolees' presence at § 87(2)(b) as an "other visit w/other."

During his CCRB interview, Sgt. Dalbero stated that he was informed by Staten Island parole that they had received information that § 87(2)(b) was at § 87(2)(b) (**Board Review 12**). Sgt. Dalbero did not know how parole obtained that information, but he went with parole to the address.

Sgt. Dalbero also explained that § 87(2)(b) criminal history caused safety concerns and so, upon their arrival at § 87(2)(b) Staten Island Narcotics and Parole officers surrounded the perimeter (**Board Review 12**). Sgt. Dalbero did not recall any officer on scene with a shield in hand or their gun drawn. Sgt. Dalbero did not draw his gun. Sgt. Dalbero, along with other narcotics and parole officers approached the basement door and knocked. Sgt. Dalbero mentioned that "individuals" opened the basement door and spoke to parole. A female parole officer then said that she had seen § 87(2)(b) inside the ground-level floor, toward the back of the space. In response, Sgt. Dalbero, alongside others, made entry into the basement level of the house to conduct a "safety search." Sgt. Dalbero explained that the ground-level area, including closets, and beds was searched, as they attempted to locate § 87(2)(b). The officers also searched the rear of the ground floor, where the parole officer stated she saw § 87(2)(b). He did not see Det. Sciortino go into the upper levels of the home. After two to three minutes, officers were unable to locate § 87(2)(b) and they left the location. Sgt. Dalbero believed that on the day of the incident, there had been a parole warrant and arrest warrant issued for § 87(2)(b) for his assault on police officers. Sgt. Dalbero was presented the UF-61 complaint report and I-CARD generated on October 11, 2021 (**Board Review 16**) for § 87(2)(b) assault on police officers. Having reviewed the document, Sgt. Dalbero maintained that there was a separate arrest warrant that had been issued for § 87(2)(b).

During his CCRB interview, Det. Malpeso stated that Staten Island Narcotics officers received information from either the NYPD Intelligence Unit, NYPD Staten Island Warrant Squad, or Staten Island Parole that § 87(2)(b) was inside § 87(2)(b) (**Board Review 13**). Upon arriving at the location, Det. Malpeso and Det. Sciortino approached the ground-level door. Members of the NYPD approached first because there was a safety concern as § 87(2)(b) was known to carry a firearm. Det. Malpeso added that he was instructed by parole to conduct a safety search for § 87(2)(b) at § 87(2)(b). As Det. Malpeso stood by the bottom door, either he or Det. Sciortino called out for § 87(2)(b) saying, "Steven come out, Steven come out." After calling for

§ 87(2)(b) repeatedly, an unknown individual came out. It was at that point that parole officers behind Det. Malpeso said, “I see Steven.” Det. Malpeso, Det. Sciortino and parole made entry into the ground level of the house but did not search the location. He did not see Det. Sciortino go into the upper levels of the home. The individual that parole pointed was not § 87(2)(b) § 87(2)(b) but rather a relative, and so, Det. Malpeso and his partners left the location.

Also, during his interview, Det. Malpeso stated there was an open narcotics investigation into § 87(2)(b) § 87(2)(b) (**Board Review 13**). Det. Malpeso also stated that there was an open warrant and I-Card for § 87(2)(b) § 87(2)(b) for an incident that had taken place in The Bronx. In addition to those documents, parole had an open warrant for § 87(2)(b) § 87(2)(b) on the date of the incident.

Det. Sciortino stated Staten Island Parole decided to go to § 87(2)(b) an address known to parole as one of § 87(2)(b) § 87(2)(b) associated addresses (**Board Review 06**). Det. Sciortino had learned about the address the day before, on October 11, 2021, when parole relayed knowledge of the address to him. Det. Sciortino also stated that the Narcotics officers went to the location to assist Parole in conducting a safety search and securing the perimeter of § 87(2)(b) § 87(2)(b).

Det. Sciortino stated that upon arrival, he positioned himself outside of the ground-level door, with a shield in one hand and his gun drawn and pointed in the other (**Board Review 06**). Det. Sciortino was unsure who had opened the ground-level door, but stated that as he stood by the door, one of the parole officers yelled out “I see § 87(2)(b) I see § 87(2)(b) I see his ponytail.” Upon hearing that parole officers saw § 87(2)(b) § 87(2)(b) inside, Det. Sciortino made entry. Det. Sciortino saw an unknown male inside the ground level running toward the rear. Det. Sciortino approached the male with his firearm still in hand and realized that it was not § 87(2)(b) § 87(2)(b). The individual was walked out of the basement, and upon identifying himself as one of § 87(2)(b) § 87(2)(b) sons, Det. Sciortino immediately secured his weapon. Det. Sciortino noted that the ground-level area was not searched, and he did not go anywhere else in the house. He did not go onto the second or third floors or point his gun at an occupant while doing so. After drawing negative results, NYPD left the location.

Both Det. Folvasky and Det. D’Ambrosio stated that they surveilled § 87(2)(b) for signs of § 87(2)(b) § 87(2)(b) before the rest of the Staten Island Narcotics team arrived at the location with Staten Island Parole officers on October 12, 2021 (**Board Review 14, 15**). While surveilling the location, they both saw § 87(2)(b) come out of § 87(2)(b) and they approached him. Det. Folvasky stated the individual identified himself as “Michael Robles” (**Board Review 14**). Det. D’Ambrosio stated that the individual identified himself, but he did not recall what his name was (**Board Review 15**). The individual stated that he lived at the location and was familiar with a § 87(2)(b). Det. Folvasky stated that the individual was asked whether he had seen § 87(2)(b) § 87(2)(b) on that day, and he said no (**Board Review 14**). PO D’Ambrosio did not recall whether the individual was asked if § 87(2)(b) had been at the location that day (**Board Review 15**). After speaking with the individual, Det. Folvasky and Det. D’Ambrosio informed Det. Malpeso and Sgt. Dalbero that § 87(2)(b) was staying at the location. The Staten Island Narcotics and Parole officers arrived at § 87(2)(b) shortly after. Upon their arrival, Det. Folvasky and Det. D’Ambrosio remained outside the location as “outside security” through the duration of the incident. Both officers were unsure which officers approached which part of the house.

Upon thorough review, the DD5s relating to the Staten Island Narcotics investigation into § 87(2)(b) § 87(2)(b) do not identify § 87(2)(b) as one of his known or frequented addresses (**Board Review 07**). Additionally, on page 14 of the referenced PDF, Det. Malpeso notes that the “NBSI field team, under the supervision of Sgt. D’Albero of NBSI,” did execute a “safety search” at § 87(2)(b) in Staten Island. He then notes, also present on scene where members of Staten Island Parole.

Despite the conflicting NYPD Officer and DOCCS Officer statements on who decided to go to § 87(2)(b) and why, the investigation is crediting that NYPD officers made the decision based on the documented explanations by both parties (**Board Review 07, 09**).

Patrol Guide Procedure 221-01 (**Board Review 17**). “The decision to display or draw a firearm should be based on an articulable belief that the potential for serious physical injury is present. When a uniformed member of the service determines that the potential for serious physical injury is no longer present, the uniformed member of the service will holster the firearm as soon as practicable.”

Payton v New York, 445 US 573 [1980] (**Board Review 20**). The right of the people to be secure in their houses shall not be violated. That language unequivocally establishes the proposition that at the very core of the Fourth Amendment stands the right of a man to retreat into his own home and there be free from unreasonable governmental intrusion. In terms that apply equally to seizures of property and to seizures of persons, the Fourth Amendment has drawn a firm line at the entrance to the house. Absent exigent circumstances, that threshold may not reasonably be crossed without a warrant.

People v Candelaria, 63 AD2d 85 [1st Dept 1978] (**Board Review 18**). Probation / Parole authorities have a special and unique interest in invading the privacy of probationers which does not extend to law enforcement officers generally. Thus, a parolee's constitutional right to be secure against unreasonable searches and seizures is not violated when his apartment is searched without a search warrant by his parole officer if the latter's conduct is rationally and reasonably related to the performance of his duty as a parole officer.

NYPD records show that when officers arrived at the location, § 87(2)(b) was not listed as one of § 87(2)(b) § 87(2)(b) known or frequented addresses. Det. Sciortino had his gun drawn and in a pointed position before parole officers stated that they thought the subject was inside. At that time, Det. Sciortino did not have an articulable belief that there was a potential for serious physical injury. Furthermore, he did not holster his gun after determining that the individual who may be the subject was not in fact the subject, as required by the Patrol Guide. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

The decision to go to, enter, and search § 87(2)(b) was made by Staten Island Narcotics officers. At the time, parole did not have authority to enter or give NYPD officers permission to enter.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) § 87(2)(b) has been a party (**Board Review 21**).
- § 87(2)(b)
- Det. Sciortino has been a member of service for eleven years and has been a subject in eight CCRB complaints and twenty allegations, none of which were substantiated. § 87(2)(g)

